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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS
HOLDING, INC., ET AL

: DOCKET NO. 04-1150

VS.

: JUDGE TRIMBLE

TOTAL CONTAINMENT, INC., ET AL

: MAGISTRATE JUDGE WILSON

JUDGMENT

Pursuant to the Memorandum Ruling of this date,

IT IS ORDERED, ADJUDGED AND DECREED that the motion for summary judgment filed by defendant, Ticona Polymers, Inc. (doc. #422) is hereby **DENIED IN PART** and **GRANTED IN PART**. The motion to dismiss Brookshire Brothers' products liability and negligence claims is hereby **DENIED**; the motion to dismiss Brookshire Brothers' claims of redhibition under Louisiana law and implied warranty under Texas law is hereby **GRANTED** dismissing Brookshire Brothers' claims of redhibition and implied warranty against defendant, Ticona; the motion to dismiss Brookshire Brothers' punitive damages claims for injuries in Louisiana is hereby **GRANTED** dismissing those claims of punitive damages for injuries that occurred in Louisiana, and; the motion to dismiss Brookshire Brothers' punitive damages claims for injuries in Texas is hereby **DENIED**.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 31st day of August, 2006.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE